IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 378/1994

SATYADEV Vs. STATE OF RAJASTHAN

DATE: 29.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. H.S. Rathore for the accused-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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In brief the facts of the case are that one Sultan S/o Gheesa lodged a written report to Dy. S.P., Kotputli on 16.05.76, on which FIR under Sections 420, 467 and 471 IPC was registered and investigation commenced. After investigation police filed challan against Bhonrelal, Jagmal, Indraraj, Satyadev and Vijendra for the offence under Sections 120-B, 419, 420, 467 and 471 IPC. The petitioner was charged for the offences under Section 120-B and 471 IPC. The prosecution examined as many as 9 witnesses in support of its case and in defence 3 witnesses were examined by the accused persons.

The trial Court after hearing the submissions of the respective parties, vide its impugned judgment dated 04.03.93 convicted the petitioner under Sections 471 and 120-B IPC and sentenced to undergo S.I. for six months and a fine of Rs. 100/-, in default to further

undergo 15 days S.I., and S.I. for two months and a fine of Rs. 100/-, in default to further undergo 15 days S.I. respectively.

Against the said judgment dated 04.03.93, the petitioner preferred appeal and the learned Additional Sessions Judge, Kotputli, District Jaipur vide its judgment dated 18.10.94, acquitted the petitioner from the charge under Section 471 IPC and maintained his conviction under Section 120-B IPC but reduced the sentence to simple imprisonment for one month and a fine of Rs. 100/-, in default of payment of fine to further undergo simple imprisonment for seven days. Both the aforesaid judgments dated 04.03.93 and 18.10.94 are under challenge in this revision petition.

I have heard rival submissions of the respective parties and have also gone through the impugned judgments as also the relevant record.

Considering the submissions made by the learned counsel for the accused-petitioner and in view of the fact that the petitioner is facing trial since 1976 and had already remained in custody for about 8 days and keeping in view the law laid down by Hon'ble the Supreme Court in the case of ***State of Maharastra Vs. Jagmohan Singh Kuldeep Singh Anand & Others, reported in 2004(7) SCC 659,*** the accused-petitioner deserves to be let off on the period already undergone

by him but the fine imposed upon him is required to be enhanced to meet the ends of justice.

In the result, the present revision petition is partly allowed and the conviction of the accused-petitioner Satyadev S/o Tej Narain under Section 120-B IPC is upheld and confirmed but the sentence of imprisonment imposed upon him is reduced to the period already undergone by him and the fine is enhanced to Rs. 1,000/-, (Rs. One thousand) in default of payment of fine the petitioner will have to undergo the sentence as awarded by the Appellate Court.

(K.S. RATHORE),J.

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